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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA *ex rel.* GNGH2
Inc.,

Plaintiff,

v.

FIRST QUALITY MAINTENANCE II LLC *et al.*,

Defendants.

20 Civ. 9024 (PGG)

FILED UNDER SEAL

NOTICE OF ELECTION TO DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America (the “Government”), by its undersigned attorney, hereby respectfully notifies the Court of its decision not to intervene in this action.

Although the Government declines to intervene in this action, the Government respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain its action in the name of the Government; providing, however, that the complaint “may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting,” *id.* Therefore, the Government respectfully requests that, prior to granting a request by the relator or any defendant to dismiss, settle, or otherwise discontinue this

action, the Court shall require that such litigant(s) solicit the written consent of the Government before applying for Court approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the Government requests that all pleadings and briefs filed in this action be served upon the Government. The Government further requests that the Court direct the relator's counsel to serve on the Government any orders issued by the Court. The Government reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action under 31 U.S.C. § 3730(e)(4).

The Government also requests that the United States be served with any notices of appeal.

Dated: February 16, 2022
New York, New York

Respectfully submitted,

DAMIAN WILLIAMS
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